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Chapter 10. ENVIRONMENTAL REQUIREMENTS AND PROCESSES

Section 1. GENERAL

1000. PURPOSE

This chapter provides the FPO specialist with a detailed explanation of the FAA's policies, processes, and procedures for standardized accomplishment of AVN's Flight Procedures Office (FPO) responsibilities regarding the implementation of the National Environmental Policy Act. The entire environmental review process is described to provide the FPO specialist understanding necessary for an adequate appreciation of the requirements, potential delays caused by meeting the requirements, and more importantly the consequences in terms of time and cost of failing to meet the requirements. The review process can require up to 24 months for completion and obviously can consume significant resources. The FPO specialist should make an early determination that the proposed procedure qualifies for Categorical Exclusion (CE) from the review requirements or that the benefits (safety improvements, capacity improvements, etc.) justify the potential costs (time and resources) normally associated with reviews through the Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS) and Record of Decision (ROD) phases of the process.

1001. BACKGROUND

The National Environmental Policy Act of 1969 (NEPA) and implementing regulations of 40 Code of Federal Regulations (CFR) establish a broad national policy to set out goals to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. NEPA was enacted to ensure that environmental impacts and associated public concerns are evaluated and considered in decisions pertaining to Federal actions having the potential to affect environmental quality. The development and establishment of flight procedures can involve environmental impacts and must be accomplished in accordance with NEPA and other Federal and local environmental laws, regulations, directives, and orders.

1002. POLICY

(1) The FAA complies with both the procedures and the policies of the National Environmental Policy Act of 1969 and related orders, statutes, and regulations. This requires that the FAA decision-making process facilitate public understanding and scrutiny by including a consideration of the effects of its proposed actions. Facilitating public understanding requires providing adequate information concerning the benefits of the proposed action in order to properly assess the value and costs of executing or not executing the proposed action.

(2) The environmental review process outlined in this chapter will be applied to all new and revised procedures as they are developed to ensure that NEPA considerations are taken into account, are properly treated, and are adequately documented.

1003. DEFINITIONS

The following terms are often used in documents pertaining to environmental programs and/or issues.

(1) Categorical Exclusion (CE) - Categories of actions which do not individually or cumulatively over time, or in conjunction with other federal State or local private actions have a significant effect on the quality of the human environment. Once identified as meeting the categorical excluded criteria, the activity may be excluded from further environmental review requirements after proper documentation of the rationale for determining the CE criteria are met.

(2) Council on Environmental Quality - Serves as a mediator in interagency disagreements over proposed Federal actions that might cause unsatisfactory environmental effects.

(3) Controversial Actions - A proposed Federal action opposed on environmental grounds by a Federal, State or local government agency or by a substantial number of persons affected by the proposed action. Written or verbal objections will be referred to AGC/Assistant Chief Counsel for a determination if the action requires designation as a "Controversial Action."

(4) Cumulative Impact - The incremental impact of an action when added to other past, present or reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions.

(5) Effects (Direct, Indirect and Cumulative) - Effects and impacts are synonymous. Effects include ecological (e.g., effects or impacts on natural resources) and on humans (e.g., the component structures, and functioning society). They may be direct, indirect, or cumulative. Effects also may include those resulting from actions which may have both beneficial and detrimental effects.

(6) Environment - A comprehensive inclusion of the natural and physical elements and the relationship of people with those elements.

(7) Environmental Assessment (EA) - A succinct document prepared to provide sufficient data, evidence, and analysis to determine whether an Environmental Impact Statement (EIS) or Finding of No significant Impact (FONSI) is required by a proposed action.

(8) Environmental Impact Statement (EIS) - A succinct document required of all Federal actions likely to have significant effects on the environment. An EIS provides the public and decision-makers with clear, written documentation of possible environmental effects.

(9) Environmental Document - Documents such as CE, EA, EIS, FONSI, and Record of Decision (ROD) that document full consideration of environmental factors, the rationale for decisions concerning the proposed action, and provide a record of the decisions.

(10) Extraordinary Circumstances - Aspects of a project that may contribute to a significant environmental impact or be highly controversial or be inconsistent with any Federal, State or local requirements for an action that may normally be categorically excluded.

(11) Finding of No Significant Impact (FONSI) - A document which provides succinct evidence of why a proposed action will not have a significant impact on the environment. A FONSI justifies why the requirement for an EIS is unnecessary and therefore not applicable. A FONSI must include or contain as an attachment the EA or a summary of it, and reference any other associated environmental documents.

(12) Major Federal Action - Includes actions with effects that may be major and are potentially subject to Federal control and responsibility.

(13) Mitigation - Includes avoiding an impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and compensating for the impact by replacing or providing substitute resources or environments.

(14) Noise Sensitive Area - An area where aircraft noise may interfere with the normal activities associated with the use of the land. Noise sensitive areas may include residential, educational, health, and religious structures and sites and outdoor recreational, cultural, which are exposed to a discernible noise level (DNL) 65 contour or higher.

(15) Notice of Intent (NOI) - A brief notice placed in the Federal Register by the FAA considering an action to inform readers that an EIS will be prepared. The NOI describes the proposed action and possible alternatives, details the proposed scoping process (e.g., location and time of the meeting) and provides the name and address of a point of contact within FAA to answer questions about the proposed action and the EIS.

(16) Proponent - The agency, applicant, sponsor, or individual proposing an action.

(17) Record of Decision - A concise, public environmental document, required under the provisions of 40 CFR Section 1505.2, stating the final decision on a proposed major Federal action and the alternatives considered by FAA. Furthermore, a ROD states whether all precautions to avoid or minimize injury to the environment were considered, and if not a statement explaining why precautions were not taken. RODs can be used to set forth

conditions required for the approval of the action, and to state mitigation measures. RODs must be made available to the public.

(18) Responsible Official (RO) - An FAA employee designated with the overall responsibility to furnish guidance and participate in the preparation of an environmental document, to independently evaluate the environmental document prior to approval, and to take responsibility for the scope and content of the environmental document. AVN may be authorized to evaluate and accept EAs and FONSI's and may direct scoping activities for the FAA. ROs may be Airport Division Managers, Airways Facilities Division Managers, Air Traffic Division Managers, Flight Standards Division Managers or Aviation System Standards (AVN) Division Managers. In AVN-100, signature authority for environmental documents has been delegated by the AVN-100 Division Manager to the manager of each Flight Procedures Development Branch.

(19) Sponsor - Any public agency or private owner of a public use airport, as defined in the Airport Act of 1982, as amended, who applies to receive Federal financial assistance under the Act or anyone proposing an airport action that requires Federal authorization.

(20) Scope - The range of actions, alternatives, and impacts to be considered in an EIS.

(21) Scoping - An early and open process for fostering participation and input from the public and other agencies. Practiced to identify significant issues that should be addressed in the EIS, while reducing the less relevant issues. Scoping narrows the scope of an EIS coverage to the most important issues and is an effective mechanism for exploring alternatives to the proposed action or identifying significant issues that may have been overlooked.

(22) Segmentation - A phased project management approach where separate, but independent actions are assessed for environmental impacts to minimize the overall cumulative impact of a project.

(23) Significant - Means requiring consideration of both the context and intensity of an action. Context refers to the geographical area, affected population(s), and socioeconomic interests that may be impacted by the proposed action and can be local regional or national in scope. Both short and long term effects are relevant. Intensity refers to the severity of the beneficial or negative impact to the environment. A methodology for determining significant impacts is given in Sections 4 and 6.

1004. REFERENCES

The following documents contain information relevant to the proper conduct of environmental reviews.

- (1) National Environmental Policy Act (NEPA)

(2) Order 1050.1, FAA Handbook - Procedures for Implementing the National Environmental Policy Act.

(3) Council on Environmental Quality MEMO: Forty Questions on NEPA Regulations.

(4) Order 1100.154A, Delegation of Authority.

(5) Notice 7210.360, Noise Screening Procedure for Certain Air Traffic Actions Above 3,000 feet AGL.

1005. ROLES AND RESPONSIBILITIES

The responsibilities of offices, services, regions, and centers are as follows:

(1) Regional Administrators are responsible for signing Records of Decision (ROD) where proposed projects/actions are determined to cross regional and program lines.

(2) Deputy Regional Administrators and Deputy Directors for the Technical Center and Aeronautical Center are responsible for coordination of cross-divisional and cross-regional environmental matters, and for monitoring regional/center environmental activities.

(3) Associate Administrators for Air Traffic Service, Regulation and Certification, Research and Acquisitions, Airports, Civil Aviation Security, and Administration are responsible for review, approval, and signature of Environmental Impact Statements (EIS). Approval authority may be further delegated as outlined in Order 1100.154A, "Delegations of Authority."

(4) The Office of Chief Counsel (AGC) provides legal counsel, assistance, and review for headquarters staff and Assistant Chief Counsel for each region and center in accomplishing agency environmental programs.

(5) Assistant Chief Counsels at Regions and Centers are responsible for providing legal counsel, assistance, and review in the conduct of regional/center environmental activities.

(6) The Office of Budget and Accounting is responsible for assuring that adequate funding is available for NEPA activities in the budget outyears.

(7) The Office of Human Resources incorporates training requirements in the individual development plans for appropriate personnel and assures that FAA training is updated to include instruction on NEPA for managers or Responsible Officials (ROs).

(8) The Office of Environment and Energy (AEE) is responsible for the overall review of FAA compliance with agency policy regarding

environmental programs; providing assistance as necessary to other FAA organizations in developing guidance and procedures for environmental reviews within their program areas; and providing advice to responsible officials concerning NEPA requirements; and supplementing existing NEPA training programs in cooperation with the Office of Human Resources.

(9) Headquarters, Regional Operational and AVN Divisions:

(a) Approving Categorical Excluded Projects (CE), Environmental Assessments, Finding of No Significant Impact, (FONSI), Environmental Impact Statement (EIS), and Record of Decision (ROD. Signature authority may be delegated as outlined in Order 1100.154A.

(b) Assigning personnel and other resources to assess and document all relevant environmental factors, including cumulative impacts.

(c) Determining annual needs for NEPA training, and developing a training schedule.

(d) Additional responsibilities including providing advice and coordinating among projects that are highly controversial, are nationally significant, are of public interest or concern, or establish/modify FAA policy.

(e) Approving emergency actions.

(f) Developing and maintaining current listings of state and federal coordination contacts in the region.

(g) Issue regional orders to customize and implement the emergency process in the region.

(h) Maintain a file system for retention and retrieval of regional environmental documents.

(10) National Program Offices are responsible for the coordination of national orders with all elements, including regions and centers, of the agency which have an interest or concern in any environmental program or issue. Sufficient copies should be provided for regional and center input. Straightlined regional and center program managers ensure that national orders sent to them for review and comment are coordinated with affected regional and center elements. Comments or non-concurrences from straightlined regional and center program managers are to be forwarded directly to their reporting line managers in Washington for inclusion in the Washington program office's response. Straightlined managers provide the regional administrator and center director respectively with an information copy of comments submitted to Washington.

Section 2. TYPES OF ACTIONS AND REVIEW REQUIREMENTS.

1020. GENERAL

Environmental Reviews of the potential impacts of establishments and/or modifications of flight procedures are required by the National Environmental Policy Act (NEPA) and FAA policy. FAA policy is contained in Order 1050.1, Procedures for Implementing the National Environmental Act, December 5, 1986. Major revisions were drafted to Order 1050.1 in December 1993 to clarify and improve the guidance for more practical and consistent application by the regional operational divisions. Completion of the coordination process is uncertain because of controversy generated by some of the proposed changes. The guidance provided in this chapter is based on the December 1993 revision and has been coordinated with the Office of Environment and Energy, and other operational organizations involved in the Terminal Instrument Procedure program and process.

FAA flight procedures projects other than Emergency, Advisory, or Exempt are subject to three types of NEPA reviews. These are a Categorical Exclusion (CE) Determination, an Environmental Assessment (EA), or an Environmental Impact Statement (EIS). Guidance for accomplishing these is provided in the following paragraphs.

The National Flight Procedures Office (AVN-100) Division Manager is the Responsible Federal Official (RO) for actions related to instrument approaches and instrument departure procedures. The Division Manager has the authority to approve Categorically Excluded (CE) projects, Environmental Assessments (EA), Findings of No Significant Impact (FONSI), and associated Records of Decision (ROD) which do not involve cross-divisional or cross-regional matters. Signature authority for these documents is further delegated to the manager of the appropriate Flight Procedures Development Branch.

1021. EMERGENCY RESPONSE

In all emergency actions the first and most important consideration is the protection of life and property. Emergencies are usually real-time occurrences that do not develop over short time periods of less than several days and are often the result of accidents or natural disasters. The establishment or modification of flight procedures to support responses to emergency situations is allowed without immediate full compliance with NEPA requirements. Preparation and processing times for an EIS or FONSI may be abbreviated or deferred.

The Responsible Official makes the determination, in consultation with other Division Managers, that an emergency exists and which NEPA requirements are to be waived or deferred. The Regional Administrator, Office of Environment and Energy (AEE-1), and the OST Environmental Division (P-14) must be notified as soon as possible of the emergency situation and the need to waive certain NEPA requirements. Appropriate NEPA compliance is then initiated as soon as possible after the emergency has passed.

1022. ADVISORY ACTIONS

Advisory actions are neither permissive nor enabling and require no NEPA analysis or documentation. The following are examples of Advisory Actions that may be related to or associated with Instrument Procedure activity:

- (1) Actions taken under FAR Part 71, "Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points."
- (2) Actions taken under FAR Part 75, "Establishment of Jet Routes and Area High Routes."
- (3) Determinations under FAR Part 77, "Objects Affecting Navigable Airspace."
- (4) Actions taken under FAR Part 99, "Security Control of Air Traffic."
- (5) Actions taken under FAR Part 101, Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons."
- (6) Actions taken under FAR Part 105, "Parachute Jumping".
- (7) Determinations under FAR Part 157, "Notice of Construction, Alteration, and Deactivation of Airports' and "Marking and Lighting Recommendations.
- (8) Issuance of grants FAR Part 150 Noise Compatibility Studies.
- (9) Approval of FAR Part 91, Part 150, and Part 160 Studies.

1023. EXEMPT ACTIONS

Actions are not subject to NEPA requirements if they do not impact the outside world of the natural environment. No analysis is required for these types of actions. Some examples of exempt actions are:

- (1) Actions that occur inside a building, cause no effect on the environment or adversely affect personnel working or living in the building or structure including:
 - (a) Upgrading of building electrical systems.
 - (b) Addition of communication channels.
 - (c) Replacement of power and control cables.
 - (d) Conversion of VHF Omnidirectional Radio Range (VOR) to VOR with Tactical Air Navigation (TACAN).
 - (e) Software and hardware upgrading.
 - (f) Installation of equipment within a facility.

- (2) Minor modifications of existing facilities which require no additional land.
- (3) Use of space in buildings which are constructed for or controlled by GSA.
- (4) Lease of space in existing buildings or an existing facility. Lease of space in buildings which are constructed for or controlled by FAA using GSA checklist or other GSA procedures.
- (5) All delegations of authority under section 314 of the FAA Act (49 U.S.C. Section 1301) (e.g. designated examiners and engineering representatives).
- (6) Approvals of aircraft and engine repairs, parts, and alterations not affecting noise, emissions, or wastes.
- (7) Issuance of Airworthiness Directives (ADs).
- (8) Regulatory documents which cover administrative or procedural requirements.
- (9) Regulations, standards, and exemptions (excluding those which if implemented may cause a significant impact on the human environment).
- (10) Enforcement actions.
- (11) Denials of:
 - (a) A petition for exemption.
 - (b) A petition for rulemaking.
 - (c) A petition for reconsideration of a denial of a petition for rulemaking.
- (12) Exemptions to Technical Standard orders (TSO) when they are routine in nature and have no significant environmental impact.
- (13) Motor Fleet Management (purchase of new motor vehicles) where such vehicles are obtained from the General Services Administration (GSA) under a lease arrangement or through a direct purchase as part of a national acquisition.

Section 3. CATEGORICAL EXCLUSIONS.

1030. GENERAL

Federal actions which do not individually or cumulatively have significant effect on the human environment may qualify for a categorical exclusion (CE) from the requirements to prepare an EA or EIS under NEPA.

The following list identifies flight procedures projects or activities that normally meet CE criteria and should be considered for exclusion under the CE provision:

- (1) Establishment or modification of Standard Instrument Approaches that use overlay of existing procedures.
- (2) Procedural actions, and/or certifications covered by a previously filed EIS or FONSI, when environmental circumstances have not changed.
- (3) Publishing of existing air traffic control procedures that do not change existing tracks or create new tracks if the altitude and concentration of aircraft on these tracks does not change.
- (4) New or modified procedures that routinely route aircraft over areas that are not noise sensitive and when applicable have been found to meet the requirements of FAA Notice 7210.360.
- (5) Establishment or modification of instrument approach procedures, departure procedures or enroute procedures which, when applicable, meet the requirements of FAA Notice 7210.360 and where no public controversy is anticipated.
- (6) Actions not designed to change the flight tracks of jet aircraft over the ground, or not likely to cause a shift in noise contours over noise sensitive areas.
- (7) Actions supporting new scheduled service, that do not produce an increase of 15 percent or greater in operations with the same fleet mix (for example, percentages of propeller, turboprop, turbojet, etc., similar to those that currently exist).
- (8) Actions to test air traffic control changes, that will not last more than two months, will be conducted in accordance with a test plan, and will revert to the original procedures after the test is completed.

1031. CATEGORICAL EXCLUSION DETERMINATION

Actions that appear to be potential candidates for a categorical exclusion, must be thoroughly reviewed to confirm that all required criteria is satisfied.

- (1) AVN reviews the proposed action specifications and background information for eligibility as a categorical exclusion.

(2) After confirming that the proposed action is eligible for categorical exclusion, AVN must review the following list of 14 extraordinary circumstances to determine if any of them will result from the proposed action:

(a) The action will have an effect on properties protected under Section 106 of the Historic preservation Act of 1966 as amended, or Section 4(f) of the Transportation Act.

(b) It will be highly controversial on environmental grounds by a Federal, state or local government agency or by a substantial number of persons impacted by such decisions. (See Air Traffic Notice 7210.360)

(c) It will have a significant impact on natural, ecological, or scenic resources of national, state, or local significance (i.e. 4(f) properties), including endangered species, wetlands, floodplains, coastal zones, prime, unique or state or local important farmlands, Native American lands, energy supply and natural resources, and solid waste management.

(d) It will be highly controversial with respect to the availability of adequate relocation housing. For actions involving relocation of persons or businesses, a controversy over the amount of the acquisition or relocation payments is not considered to be a controversy with respect to availability of adequate relocation housing.

(e) Cause substantial division or disruption of an established community, or disrupt orderly, planned development or is likely to be not reasonably consistent with plans or goals that have been adopted by the community in which the project is located.

(f) Cause a significant increase in surface traffic congestion.

(g) Have a potentially significant impact on noise levels of noise-sensitive areas.

(h) Have a potentially significant impact on air quality or violate the local, state, or Federal standards for air quality.

(i) Have a potentially significant impact on water quality, sole source aquifer, or contaminate a public water supply system.

(j) Be inconsistent with any Federal, State or local law or administrative determination relating to the environment.

(k) Have a potentially significant impact on the visual nature of the surrounding land uses.

(l) Will be an action for which the Phase 1 or Phase 2 EDDAs revealed any hazardous materials.

(m) Will be an action that creates electromagnetic impacts on surrounding population areas.

(n) Will directly or indirectly affect human beings by creating a significant impact on the environment.

1032. DETERMINING SIGNIFICANCE LEVELS

Determining the levels of significance for the Categorical Exclusion Candidates is largely a subjective decision because of the variables involved in each situation. It is to be made by comparing the predicted or expected impact to some parameter of minimum or maximum level beyond which the impact is considered to exceed a significant level. Arriving at this determination requires the use of laws, regulations, consultations with environmental and resource agencies, prior commitments, professional, expertise and AVN's best professional judgment.

AVN must ensure no extraordinary circumstance exist with respect to the proposed procedure being highly controversial on environment grounds by a Federal, state, or local agency or by a substantial number of persons impacted by the action. If any extraordinary circumstances exist, the proposal will be subject to an EA or EIS. If it is uncertain whether extraordinary circumstances exist, consultations with appropriate officials should be conducted and documented.

If after a determination that the proposal meets one of the extraordinary circumstances, possibilities for a modification of the procedure should be examined and if any are viable they should be recommended to eliminate the extraordinary circumstances. If the modification is acceptable to AVN, the proposed procedure can be categorically excluded. A CE or FONSI must be documented prior to initiation of the proposed procedure.

1033. DOCUMENTATION OF CATEGORICAL EXCLUSION

The CE documentation is critical to supporting the decisions should any controversy of the decision or challenge to it arise in the future. AVN is required to prepare and retain in the permanent files a written description of the decision making process. The documentation should include attachments of all supporting documentation such as worksheets from FAA Notice 7210.360 but need not be lengthy. However, it must contain the following language:

"The above referenced action has been reviewed by the FAA, and it has been determined by the undersigned to be categorically excluded from further environmental documentation according to Order 1050.1, paragraph 403, since none of the extraordinary circumstances listed in Order 1050.1 paragraph 404 apply to its implementation."

1034-1039 Reserved

Section 4. ENVIRONMENTAL ASSESSMENTS.

1040. GENERAL

(1) An Environmental Assessment (EA) is a concise document describing the environmental impacts of a proposed instrument procedure and its alternatives, including an assessment of direct, indirect and cumulative impacts. If from initial review of the proposed action, it cannot be classified as a categorical exclusion (CE) or it cannot be concluded that there will be significant impacts on any of the environmental areas of concern, an EA will be prepared. If it is concluded that the action does not create significant impacts affecting the quality of the human environment, the Responsible Official (RO) prepares a Finding of No Significant Impact (FONSI). If it is concluded from the EA that the proposed action significantly affects the human environment, AVN immediately begins the Environmental Impact Statement (EIS) process if the significant impacts cannot be mitigated below threshold levels. The EIS process is described in Section 6.

(2) The EA is a document with a level of analysis commensurate with the scope of the proposed action and context and intensity of the impacts. It is also intended to clearly and accurately identify the impacts appearing to have the potential for mitigation below threshold levels.

(3) Determining the levels of significance for many of the impacts is largely a subjective decision because of the variables involved in each situation. It is to be made by comparing the predicted or expected impact to some parameter of minimum or maximum level beyond which the impact is considered to exceed a significant level. Arriving at this determination requires the use of laws, regulations, consultations with environmental and resource agencies, prior commitments, professional, expertise and AVN's best professional judgment.

(4) Public controversy will often affect the determination of whether or not an EA or EIS will be conducted. Public reaction should be given careful consideration because strong adverse reaction can lead to significant delays in implementing a proposed action or in extreme cases prevent implementation altogether.

1041. ENVIRONMENTAL ASSESSMENT PROCESS

When the determination has been made that the proposed action does not meet the criteria for a categorical exclusion, the preparation of an EA will begin.

(1) The Information Collection and Analysis Efforts will have already started and will in fact be a continuation of work done to determine eligibility for categorical exclusion. Because AVN has determined that the proposed action does not qualify for treatment as a CE, (hence the need for an EA at minimum), some of

the key areas of concern to be addressed will already be identified.

(2) AVN concentrates efforts on further data gathering and analysis on these areas and contacts appropriate local, State, and Federal officials to obtain information concerning these and other potential impact areas. AVN maintains contact and consults with these officials throughout the remainder of the project.

(3) It is the FAA's policy to prepare concise EA documents with sufficient analysis for the following purposes:

(a) Understand the problem and identify reasonable alternative solutions, including the proposed action and a no action alternative.

(b) Determine whether any potential impacts are significant, and could trigger the EIS process.

(c) Provide for the FAA's FONSI, if the proposed action has no significant impacts.

(d) Identify and satisfy special purpose Federal laws, regulations and Executive Orders. Refer to Order 1050.1, Figure 5-2, "Analysis of Environmental Impact Areas" for current listings.

(e) To identify and satisfy State and local laws and regulations applicable to the proposed action.

(f) To identify any permits, licenses, or other entitlements required by the proposal.

(g) In completing the above, to indicate agencies consulted (and to identify cooperating agencies for EIS preparation purposes).

(4) The preparation of the EA document will be done in the format described in paragraph 1042. The EA should provide detail and appropriate levels of analysis only for those resource areas affected by the proposed action. For those resource areas not affected by the proposed action, a statement that the project will not affect these resources is sufficient.

(5) Internal Review of the EA is conducted by affected FAA program divisions and the Assistant Chief Counsel to assure accuracy and that all concerns have been appropriately addressed and analyzed. Upon completion of the EA, AVN then makes the determination of the significance of impacts discussed in the EA. If applicable, AVN issues a FONSI. If a FONSI cannot be issued due to unmitigable significant impacts, an EIS will be prepared.

1042. ENVIRONMENTAL ASSESSMENT FORMAT

The EA is an abbreviated format of an EIS. Flight Procedures EA's are to be prepared as follows:

a. The Environmental Assessment

The Title "Environmental Assessment" is to be centered at the top of the first page. The statement "This Environmental Assessment becomes a Federal document when evaluated, signed and dated by AVN will be inserted at the bottom of the page.

b. The Proposed Action

This discussion describes in detail the proposed action. Flight procedures EAs should include the name of the airport or location, type of procedure, runways if applicable, and operating characteristics such as altitudes, flight tracks, etc.

c. Purpose and Need

This discussion describes the problem, the requested Federal Action, and the time frame for completion of the project.

d. Alternatives (Including Proposed Action)

Alternatives are to be considered in preparing an EA to the degree commensurate with the nature of the proposed action. Generally, the greater the degree of impacts, the wider the range of alternatives that should be considered to avoid or minimize impacts. In all cases, the no action alternative shall be considered and discussed. Tests of reasonableness and practicality are applied at appropriate stages to identify alternatives which warrant further study. The range of alternatives discussed in EAs will encompass those to be considered by the ultimate agency decision-maker, including the no action alternative. The EA is to present the proposed action and the alternatives in comparative form to sharply define the issues and provide a clear basis for choice among the options by the decision-maker and public. The EA will identify all alternatives that were eliminated from detailed study and the reason/s for their elimination. The EA is also to include reasonable mitigation measures not within the FAA's jurisdiction. In summary, the alternatives discussion of the EA includes:

(1) A list of alternatives considered, including the proposed action, with only enough description to explain them. Any connected or cumulative actions will be included for each alternative.

(2) Identifies the preferred alternative if one has been chosen.

(3) A concise statement explaining why any initial planning alternatives have been eliminated from detailed study.

(4) A listing under each alternative of any applicable Federal, State, or local special purpose laws and regulations and potentially required permits and licenses.

(5) Graphics, as appropriate, to aid in understanding the alternatives. These may be of value in showing alternative runway configurations and or flight tracks.

e. Affected Environment

A description of the impact areas for each alternative will be included. It should provide the information necessary to understand the environmental effects of each alternative. This discussion should highlight important background material, such as previous development and environmental actions that help to explain the proposed action. It may also include such items as bond actions, actions by community or citizen groups pertinent to the proposed action, or any other unique factors associated with the project that do not properly belong in another part of the EA. The Affected Environment discussion includes:

(1) A location map, vicinity map, and project or airport layout plan.

(2) Existing and planned land uses and zoning in the affected residential areas, public parks, wildlife and waterfowl refuges, threatened and endangered species, wetlands, floodplains, farmlands, coastal zones, recreation areas, and historic facilities and archeological sites.

(3) Nearby schools and places of assembly, hospitals, shopping areas and adjacent political jurisdictions affected by the proposed action.

(4) Population, industrial, and commercial growth characteristics and assumptions used to justify the proposed action and secondary impacts only if they are relevant to the proposed action.

(5) Any contemplated future actions, including facility installations and procedural actions which should be described to show their relationship to the proposed action if they are not already included in the Alternatives discussion.

(6) Other planned and developed activities in the affected area (e.g. highways and other transportation projects, housing development and relocation) which are interrelated to the proposed action and/or which produce cumulative impacts.

f. Environmental Consequences.

(1) This discussion will be documented to determine if the impact may be significant. During the EA process, required specific consultation also will be accomplished and attached to the EA. The applicable impact categories presented in Figure 10-2 will be included. in the discussion.

(2) The discussion of the Affected Environment and Environmental Consequences may be combined under one heading.

g. List of Preparers

When an EA is prepared within the agency, AVN identifies and provides the qualifications and other information for the individuals/offices(s) that prepared the EA. When EAs are prepared outside of the agency, the preparers will be identified and their qualifications will be made available to the FAA.

h. Listing of Agencies and Persons consulted

i. Appendices

The EA will have the following appendices, if applicable:

(1) Any documentation supporting statements in the body of the EA, including, methodologies and sources used.

(2) Evidence that coordination with affected State and local officials has taken place (either through the state point of contact or individually), comments and recommendations received, and responses to each comment and recommendation.

(3) If appropriate, a summary of citizen involvement, evidence of the opportunity for a public hearing, if required under the 1982 Airport and Airway Improvement Act, and a summary of issues raised at any public meeting held and response to those issues will be prepared.

1043. IMPACT CATEGORIES

Figure 10-2 presents information and guidance on the assessment of environmental categories which should be addressed relevant to proposed actions involving the development or modification of flight procedures. Order 1050.1, attachment 2, should be consulted if more specific guidance is required. In using either reference, it is important to understand the outlined design for each impact category. This guidance consists of four parts for each potential impact:

(1) Requirements - Citations of current applicable references
It is imperative to refer to these documents because the table only provides an overview summary of the requirements stated in each reference. The summary also contains information on permits or certificates pertaining to the impact category and potential liabilities or sanctions for violations of the statutes referenced.

(2) FAA Requirements - An overview of specific responsibilities for gathering data and assessing the impacts of each category.

(3) Thresholds of Significance - Discussion of significance thresholds. It serves as a guideline to determine significance and impacts based on a comparison to some parameter or

maximum/minimum level of effect beyond which the effects become significant. Laws, regulation, prior commitments, professional expertise, AVNs professional judgment, and public opinion can affect threshold determinations.

(4) Analysis of Significant Impacts - Discussion of activities required for addressing the impact categories in an EIS, or mitigated FONSI.

1044. PUBLIC REQUESTS FOR FAA ACTION

When a proposal is requested from the public that requires FAA action, there may be particular situations that require environmental analysis. Some examples follow:

- (1) Issuance of various certificates.
- (2) Approval of airline operations specifications.
- (3) Establishment of new or revised instrument approach or departure procedures.
- (4) Routing air traffic over noise sensitive areas.

Whenever such a situation occurs, the FAA will withhold its action until the applicant or other interested parties provide the environmental data the FAA requests and FAA determines that these data are sufficient for it to make a decision regarding the extent and context of the project-related environmental impacts.

1045-1049 Reserved

Section 5. FINDING OF NO SIGNIFICANT IMPACT (FONSI).

1050. GENERAL

A Finding of No Significant Impact (FONSI) terminates the Environmental Review process for a specific proposed action and documents the rationale for the determination that the proposed action will not significantly effect the natural or human environment. Under certain conditions, a FONSI may notify the public of Environmental Assessment results and any mitigation plans.

1051. DECISION DOCUMENT PREPARATION

FONSIs for proposed flight procedures actions/projects will be prepared as follows:

(1) AVN will review the EA to determine the alternative that meets the proposed action's purpose and to determine the intensity (severity) of project induced environmental impacts. If based on the EA, AVN determines that the proposed action will not significantly affect the environment, AVN will prepare and sign a FONSI. The FONSI will provide reasons why no significant impacts will occur and state that as a result, FAA will not prepare an Environmental Impact Statement (EIS) for the proposed action. There is no required format for the FONSI but it must include the statement, "After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(A) of the NEPA and that it will not significantly impact the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA." It should also include the following information:

- (a) An explanation as to why the proposed action will not have a significant impact on the environment.
- (b) A description of mitigation measures necessary to make the alternative environmentally acceptable.
- (c) Includes the EA or a summary of the EA for reference.
- (d) Describes changes that have been made in the proposed action to eliminate significant impacts.

(2) The FONSI may be attached to the EA or the EA and FONSI may be combined into a single document. The FONSI must support with the pertinent facts the conclusion that the proposed action does not have a significant impact affecting the quality of the human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed action. The FONSI includes a brief description of the proposed action and its purpose. The FONSI will identify any measures to minimize adverse impacts to the environment. The FONSI will identify and discuss the alternatives considered,

including the no action alternative, particularly those that mitigate environmental impacts.

(3) If the FONSI includes a Section 4(F) determination, the EA supporting it will include the material required in Order 5610.1.C. AGC/Assistant Chief Counsel reviews the EA/FONSI to confirm Section 40 4(f) determinations for overall legal sufficiency. The document must reflect consultation with the appropriate agencies.

(4) Where a Federal action affects wetlands, the FONSI documents the opportunity for early review by affected agencies. When appropriate, the agency conclusion that there is no practicable alternative to the proposed action, and that the proposed action includes all practicable measures to minimize harm (Wetland Finding) is clearly stated. The FONSI will document the outcome of consultations with the Fish and Wildlife Service (FWS) and the appropriate State resource agencies.

(5) Where affected properties are included in, or eligible for inclusion in, the National Register of Historic Places, the FONSI must include documentation and the outcome of consultations with the State Historic Preservation Office (SHPO) and when applicable, evidence that the Advisory Council on Historic Preservation (ACHP) reviewed the action and concurred with the FAA's determination of no adverse effect or conditional no adverse effect. If applicable, the Memorandum of Agreement (MOA) is attached to the FONSI.

(6) Where Federally assisted activities affect the coastal zone in a state with any approved coastal management program, the FONSI reflects FAA's views on the relationship of the proposed action to the approved coastal management program and the state's concurrence on the proponents consistency determination.

(7) Where an action reflects affects on prime or unique farmlands or farmlands of State or local importance, the FONSI will document coordination with the U.S. Department of Agriculture (DOA).

1052. MITIGATED FONSI

The following four steps must be considered and documented for a mitigated FONSI:

(1) The Agency took a hard look at the environmental considerations.

(2) The Agency identified the relevant areas of environmental concern.

(3) With regard to the environmental issues identified and studied, the agency made a convincing case that the impacts were insignificant.

(4) If there were significant impacts, the agency convincingly established what changes in the project sufficiently reduced it to a level below the threshold of significance.

1053. MONITORING MITIGATIONS

The FAA takes steps, as appropriate to the action, through special conditions, funding agreements, contract specifications, preferential arrival and departure procedures, directives, other project review or implementing procedures, and other follow-up actions that the agency must ensure are implemented to minimize the adverse environmental effects set forth in the approved FONSI. A monitoring and measurement program must be adopted and efficiently conducted on a continuing basis.

1054. COORDINATION

Usually FONSI's are required to be coordinated outside the FAA only where coordination is required by law or administrative directive (e.g. actions involving a Section 404 permit with the Corps of Engineers, Section 4(f) of the DOT Act, Section 106 of the Historic Preservation Act, Section 7 of the Endangered Species Act, or wetlands impact).

1055. APPROVAL

The approval process is as follows:

(1) At the field level, FONSI's will be reviewed by the pertinent staff and program offices and may be approved by the appropriate Division Manager or their designees.

(2) ROs send FONSI's originating in FAA headquarters to AEE-1 and to AGC-1 for review. Upon request from the Program Office Director, AEE-1 or AGC-1 may waive their review respectively. After review for legal sufficiency by AGC, the Division Manager may sign the FONSI.

1056. DISTRIBUTION

FONSI's are public information and will be made available upon request. State and local officials designated by the Intergovernmental Review Plan for the state will be notified of the availability of the FONSI. There are no routine public notice requirements for FONSI's. For actions with affects of national concern, the notice will include publication in the Federal Register and notice by mail to national organizations interested in the matter. In certain limited circumstances, draft FONSI's will be made available through State and local officials for public review for 30 days after approval. These circumstances include situations where the proposed action is similar to that requiring an EIS or where the proposed action is unprecedented.

The AVNs will number and file each FONSI initiated in AVN.

1057-1059 Reserved

Section 6. ENVIRONMENTAL IMPACT STATEMENTS.

1060. GENERAL

(1) An EIS is a clear, concise, and detailed document that provides the agency decision-makers and the public with a full and fair discussion of significant environmental impacts of a proposed instrument procedure and reasonable alternatives to the proposed action. The depth of analysis and documentation will be in direct proportion to the significance of the environmental impacts. The significance of impacts is generally determined through the analysis of effects of the proposed establishment or modification of an instrument procedure, beginning with their identification in the scoping process and by comparison with the threshold of significance for each impact category.

(2) An EIS is required when the impact of the proposed procedure itself is significant and also when the cumulative impacts of the proposed action and other past, present, and foreseeable future actions are significant. A series of actions considered on an individual basis may have a limited environmental impact, yet when considered together, they may have significant cumulative impact(s). A proposed localizer approach of the ILS Building Block Program is one example of such a situation. If an EIS is required because of cumulative impact of the proposed action, and future, related actions, no commitment may be made with respect to the choice of alternatives or mitigating actions that will be taken until all known related actions are considered.

(3) In the case of doubt as to whether an EIS is necessary for a particular action, AVN should consult with legal staffs at the regional or headquarters levels or AEE-1.

1061. PUBLIC INVOLVEMENT AND SCOPING.

a. Public Involvement Plan

The first step in an effective public involvement process is to develop a comprehensive public involvement plan. The plan should be developed based on the size, magnitude, scope, anticipated controversy, level of control, meeting facilities, and timing of the proposed action. Components of the plan may include a mailing list of persons interested in or affected by the proposed action, the frequency of mailings to these people, the type and format of the information to be made available, and the location(s) of the information for public review. AVN designs public involvement activities after considering the following NEPA requirements.

(1) Efforts to solicit from and provide appropriate information to the public.

(2) Inform those persons and agencies who may be interested or affected.

(3) Provide timely public notice of scoping meetings, hearings, or workshops (e.g. Notice of Intent (NOI) and availability of environmental documents (e.g. FONSI, EIS)).

(4) Provide information that will assist the public understanding of the project.

b. Scoping Process

Once the involvement plan has been developed, AVN begins the scoping process. Scoping is the process that fosters participation and input from the public, other agencies and provides a forum for exchange of information. Advantages to an early and open scoping process include identifying technical information and reasonable alternatives, or narrowing the significant issues to be addressed in the EIS. Scoping also helps to determine whether an EIS is necessary for a proposed action or whether an EA is sufficient.

c. Public Involvement

Public involvement, where appropriate, will be initiated at the earliest practical time and continued throughout the development of the proposed project/action in order to obtain meaningful input. Such specific public involvement may be appropriate in defining the scope of work of an EIS developed by FAA or the consultant it selects. Comments from individuals and groups will be considered in preparing the EIS. A summary of citizen involvement and the environmental issues raised will be documented, where practical, in the EIS. Additional guidance on public involvement is contained in the FAA's "Community Involvement Manual", FAA-EE-90-03.

d. Local Government, State Agency, and Federal Government Involvement.

It is imperative that the affected local units of Government, and pertinent Federal and State agencies be consulted early in the process of preparing an EIS. Comments on impacts will be given appropriate consideration in determining whether the proposed action requires an EIS and in preparing the EIS if required.

e. EIS Internal Review

All draft and final EISs will be reviewed by affected FAA program divisions and staff officers including legal at the regional level prior to filling for public review. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered and are coordinated with the appropriate action office so that commitments that are the responsibility of other divisions or offices will be honored.

1062. ENVIRONMENTAL IMPACT STATEMENT PROCESS

The FAA applies a systematic interdisciplinary approach in planning and decision-making, which may impact the environment. To assure that

all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the office or service does not contain the necessary disciplines, use of professional services available in other Federal State or local agencies, universities or consulting firms is appropriate. The procedures for the planning, development, distribution, and public involvement for an EIS usually takes 12 to 24 months to complete. The following subparagraphs present the procedures to be followed after the decision to initiate the project, and the initial scoping have been completed.

a. Notice of Intent

Following the decision to proceed with an EIS, the FAAVN publishes a Notice of Intent (NOI) in the Federal Register. The NOI is an announcement that an EIS will be prepared and considered. The NOI will include an overview of the proposed action, the alternatives being considered (including the no action alternative), potential significant impacts, and the name and address of a person within the agency who can answer questions about the action and the EIS. If a scoping meeting is a component of the public involvement plan, the NOI also announces the time and place of the meeting.

(1) The procedure is accomplished by AVN sending the NOI through AGC-10/Assistant Chief Counsel with a copy to the regional Administrator and AEE-1. The NOI approval signature is the applicable division manager.

(2) If for some reason there is a lengthy period between the time a decision is made to prepare an EIS and the actual preparation, publication of the NOI may be deferred to a reasonable time in advance of draft EIS (DEIS).

(3) After publication of the NOI, planning and preparation for the EIS includes selection of the project team and development of the EIS outline, schedule, and management framework.

b. Information Gathering and Analysis

This can be best achieved through a scoping process to collect the information necessary to develop a sound EIS. This process is an important and early integral part of the EIS process. To be effective, it must be conducted up front and as an open process for determining the scope of the issues to be addressed and for identifying the significant impacts associated with the proposed action. AVN must take the lead in the scoping process, inviting the participation of other agencies, determining the issues to be analyzed in depth, and assigning responsibilities for inputs to the EIS. If appropriate a scoping meeting will be held. At the scoping meeting(s), FAA provides additional background on the proposed action and then solicits input from those interested and affected parties attending in order to: determine the scope of analysis required within the EIS, identify and eliminate insignificant issues and those covered in previous environmental reviews, and indicate any other EAs or EISs that have been

conducted or are planned and which are related to but not part of the action under consideration.

(1) Such a scoping will often be appropriate when the impacts of a particular proposed action are confined to specific sites. However, there is no requirement for a scoping "meeting." Depending on the nature and complexity of the proposed action, some or all of the information needed during the scoping process may be obtained by letter, telephone, or other means.

(2) Establishing a clear definition of the proposed action, the alternatives, and the impact(s) needing detailed study (as well as those which do not) early in the scoping process will help considerably in managing the EIS preparation process. It will also enhance internal and external communication and streamline data gathering efforts.

(3) After the scope of the proposed action has been determined, AVN begins preparing the EIS.

c. Timing of Actions

There are mandatory time periods, with certain exceptions, for proceeding with a preferred action. These time frames reflect that no decision will be made on a proposed action until either 90 days after the Environmental Protection Agency (EPA) has published the DEIS Notice of Availability (NOA) in the Federal Register or until 30 days after EPA has published the Final Environmental Impact Statement (FEIS) NOA, whichever is later, unless approval is granted for a variance from these time frames.

d. Preliminary DEIS

Prepare Preliminary DEIS using the format outlined in paragraph 1063.

e. Internal Review and Approval

This review and approval phase is conducted prior to publishing the DEIS NOA in the Federal Register to notify all interested and affected parties. EIS's will be reviewed by all affected FAA program divisions and staff officers at the regional level prior to filing for public review. This internal review is to assure that related foreseeable actions by other FAA elements are properly covered in the DEIS and are coordinated with the appropriate action offices so that commitments which are the responsibility of other divisions or offices will be honored.

f. DEIS Filing with EPA

AVN is responsible for assuring that the DEIS is filed with EPA. The EPA will subsequently publish a NOA in the Federal Register which will begin the 90-day period after which the proposed action can be taken. However, even after the 90-day period elapses, no action that limits the choice of alternatives or has an adverse impact can be taken unless the Record of Decision (RD) has also been issued. Five copies of the DEIS will be sent to:

the Office of Federal Activities, EIS Filing Section (A-104), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington D.C. 20460. Generally, a two week planning period should be allowed between the time of submittal and publication of the NOA.

g. Notice of Availability

AVN is responsible for assuring that press releases, official notices, or other appropriate media announce to the public that a DEIS has been prepared and is being circulated and that comments on the document are being solicited. The announcement must include information on the availability of the DEIS and the following specific information:

- (1) A description of the proposed action.
- (2) Identification of an FAA point of contact for public inquiries.

The announcement should be distributed to the local media concurrent with distribution for notice in the Federal Register with request for immediate publication.

h. Distribution and Coordination for Intergovernmental Review

Comments on the DEIS will be obtained from, or requested of, Federal, State and local agencies. All DEISs will be coordinated with the appropriate regional offices of other Federal agencies having jurisdiction by law or special expertise, except that statements to be coordinated with the Department of Interior (DOI), Department of Commerce (DOC), or Department of Energy (DOE) will be sent directly to the Washington headquarters of these departments. In addition, copies are to be provided to:

- (1) Federal agencies:
 - (a) EPA headquarters (5 copies).
 - (b) EPA region (5 copies).
 - (c) DOT, Assistant Secretary for Policy & International Affairs, P-1 (2 copies).
 - (d) AEE-1 (1 copy).
 - (e) AGC or designee (1 copy).
 - (f) Program Service Director (1 copy).
 - (g) Other affected/interested elements of DOT (1 copy).
- (h) Other affected/interested FAA Services (1 copy).
- (i) DOI (12 copies) except 13 copies will be provided for projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and 14 copies will be provided for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

(j) National Oceanographic and Atmospheric Administration (NOAA), Ecology and Conservation Division (1 copy)

(k) DOE (1 copy - only for projects having major energy related consequences).

(2) One copy unless requested otherwise, to State and local agencies that commented substantively, affected cities and counties, and others known to have an interest in the action.

The Intergovernmental Review of Federal Programs process may be used by mutual agreement, for securing review of DEISs by State and local agencies; however, this process is not a substitute for direct communication among the agencies.

i. DEIS Copies

Copies are printed by AVN in sufficient quantities to meet anticipated demand for the DEIS. A fee, not to exceed reproduction costs may be charged for copies requested by the public if the original set of copies is exhausted. The DEIS should be available at local libraries or similar depositories; however, material used in developing the DEIS or referenced in the DEIS must be available for review at the appropriate Service FAA office or designated location.

j. Comment Period

A 45 day period is provided for public review and comment. If a public hearing or public meeting is held, the time frame includes 30 days for review of the DEIS, prior to the public hearing, and allows 15 days for comment. The number of days is determined from the date that the NOA is available for review by the public (e.g. newspaper, Federal Register). Extensions may be granted to the public if written requests are made. AVN must take into consideration all comments received from the public and respond to the substantive comments in the FEIS.

k. Public Hearing Notice

This notice includes a description of the proposed action, the scheduling of the public hearing, (e.g., time, date, and location), and the availability and location of the DEIS. Notice of the hearing will be announced in area-wide or local newspapers of general circulation. In all cases the agency mails notices to those who have requested individual copies. In the case of a proposed action with effects of national concern, the notice includes publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter.

l. Public Hearing

AVN may assign program officers the responsibility for convening a hearing and serving as a hearing officer at FAA hearings. AVN is also responsible for assuring that records documenting the

public hearing are accurate and maintained in the AGC docket. Public hearings are considered in the following cases:

- (1) Where the magnitude of the proposal in terms of environmental impact or controversy, economic costs, the size and location of the geographic area involved, and the uniqueness or amount of resources to be committed is significant.
- (2) Interest in the proposal, as evidenced by requests from the public or Federal, State, and local authorities that a hearing be held.
- (3) The complexity of the issue and the likelihood that information presented at the hearing will be of assistance to the agency in fulfilling its responsibilities.
- (4) A request for a hearing by another agency with jurisdiction over the action supported by reasons for the need of a hearing.
- (5) The extent to which public involvement has already been achieved through other means, such as earlier public hearings, documented meetings with citizen representatives, or limited written comments on the proposed action.

m. Comments

Comments on the DEIS and inputs (in summary form if appropriate) from citizen participation, and public hearings will accompany the EIS through the normal internal review process. In preparing an EIS, the DEIS will be revised, as appropriate, to reflect comments received, issues raised through community involvement and public hearing process, or other considerations. An appropriate response, or reference to subjects discussed in the statement will be included in the EIS. Copies of all substantive comments by letter will be included. If the number of comments is too voluminous to include, a summary may be prepared and substituted. The comments must be retained in the permanent file in either case.

- (1) Comments from EPA on the DIES are categorized according to the following criteria:
 - (a) LO - Lack of Environmental Objections
 - (b) ER - Environmental Reservations
 - (c) EU - Environmentally Unsatisfactory
- (2) The statement adequacy also is categorized as follows:
 - (a) Adequate
 - (b) Insufficient
 - (c) Inadequate
- (3) Relevant environmental documents are part of the agency's public record and will be made available to the

public through appropriate regional, office, or service procedures.

n. EIS Preparation

Every effort will be made to resolve environmental issues prior to EIS preparation. Any unresolved environmental issues and efforts to resolve them through further consultation will be identified and discussed in the EIS. The EIS will reflect that there has been compliance with the requirements of all applicable environmental laws and orders such as Section 4(f) of the DOT Act. If such compliance is not possible by the time of EIS preparation, the EIS will reflect consultation with appropriate agencies and provide reasonable assurance that the requirements can be met.

o. Internal Review

This review is coordinated with the accompaniment of the draft Record of Decision (ROD) prior to EIS approval only when headquarters approval is required.

(1) For EISs that originate at headquarters, the office or service director sends a copy to AEE-1 and AGC-1 for review. After the service or office director approves the EIS, AVN files it with EPA.

(2) For EISs originating in the field, not subject to headquarters' concurrence, the regional division Manager approves and files the EIS with EPA, following review for legal sufficiency by the Regional Counsel.

(3) For EISs originating in regions or centers, but when headquarters concurrence is requested, the Regional Division manager approves the EIS and submits it to the appropriate service or office director. Following approval, the EIS will be filed with EPA.

(4) For EISs originating in regions or centers, but where authority to approve EIS is retained in headquarters, the applicable division manager or center sends the proposed EIS to the appropriate Service or Office director. The Service or Office director sends copies to AEE-1 and to AGC-1 for review. Following approval, The EIS will be filed with EPA.

(5) All statements involving Section 4(f) of the DOT Act are subject to AGC review for legal sufficiency in headquarters unless this review has been delegated to regional counsel.

(6) For highly controversial EISs requiring headquarters review and concurrence, the Office of the Assistant Secretary for Policy and International Affairs (P-1, and the DOT Office of the General Counsel (C-1) will be notified that the EIS is under review and will be provided a copy of the summary section contained in the EIS.

P-1 and C-1 will be given at least 2 weeks notice before approval of any highly controversial EIS.

p. EIS Approval

EIS approval follows the internal review. Signature and date blocks will be added for the convenience of appropriate offices and the approving official. A declaration approximately as follows will be added to the summary. "After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969."

q. Notice of Availability

This notice follows the completion of the EIS. AVN announces the availability of the EIS and supporting information. The announcement will be provided to the public in the same manner as the DEIS to ensure consistency of the release. The number of days for review, again is determined based on the NOA's availability to the public. The public then reviews the EIS within a 30-day comment period. Extensions may be granted if written requests are made. At the conclusion of the 30-day period, AVN issues the final decision in a Record of Decision (ROD) and then may initiate the proposed action.

r. Distribution of the Approved EIS

In addition to the availability and distribution of the approved final EIS, final statements proposed for approval will normally be made available upon request in FAA offices for inspection by the public and Federal, State, or local agencies prior to final approval and filing with EPA. Such statements should carry a notation that they have not yet been approved and filed. The originating FAA region, center, or service simultaneously distributes the approved EIS as follows:

- (1) Five copies to: Office of Federal Activities, U.S. EPA (A-104)
401 M Street S.W. Washington D.C. 20460.
- (2) Five copies to the appropriate regional office of EPA (one copy if categorized LO-1).
- (3) One copy of the EIS to AEE-1, and to the service or office director, and to the regional administrator.
- (4) One copy of the approved EIS will be sent to the Department of Transportation, Regulatory Affairs, Environmental Division, P-14.
- (5) A copy of the EIS will also be sent to each Federal, State, and local agency, and to private organizations that

made substantive comments on the DEIS and to individuals who requested a copy of the EIS or who made substantive comments on the DEIS.

(6) Seven copies will be distributed to the Director, Environmental Project Review, U.S. DOI, Washington D.C. 20240 but eight will be submitted for projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas; nine copies will be provided for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

(7) DOE Headquarters (1 copy - only for projects having major energy related consequences).

(8) An adequate number of copies (varies by state) to appropriate state-designated single point of contact (or specific agency when states have not designated a single point of contact) unless otherwise designated by the governor.

(9) Additional copies will be sent to accessible locations to be made available to the general public, including headquarters and regional offices; and state, metropolitan and local public libraries.

(10) EISs, Comments received, and supporting documents will be made available to the public without charge to the fullest extent possible or at reduced charge which is not more than the actual cost of reproducing copies.

1063. ENVIRONMENTAL IMPACT STATEMENT FORMAT

The FAA's standard EIS format is defined in the following text:

a. Cover Sheet

The cover sheet will be one page and include a list of the responsible agencies with the lead agency being identified as such. It will show the title of the proposed action (together with the State(s) and County(s) where the action is located); the name, address and telephone number of AVN at the FAA; the designation of the statement as draft, final, or supplement; a one paragraph abstract of the EIS; the date that the comment period closes; and a heading as follows: "DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION. This statement is submitted for review pursuant to the following public law requirements : (list those applicable; e.g., Section 102(2)(C) of the National Environmental Policy Act of 1969, Section 4(f) of the Department of Transportation Act of 1966)."

b. Executive Summary

An Executive Summary will be included to adequately and accurately summarize the EIS. The summary stresses the major conclusions, areas of controversy (including issues raised by agencies and the public), The summary will normally not exceed 15

pages. It will also include a list of permits or licenses that must be obtained and a statement of compliance with applicable environmental program requirements. Graphic representation of the material is encouraged.

c. Table of Contents

The table of contents will present the chapters, figures, maps, tables, and exhibits presented throughout the EIS. It will also contain a list of acronyms used in the EIS.

d. Purpose and Need for the Proposed Action

A brief description of the underlying purpose and need for which the agency is responding in proposing the alternatives including the proposed action. This section presents the problem being addressed by the proposed major federal action, how the alternatives would resolve the problem, and the benefits of the proposed action.

e. Alternatives Including the Proposed Action

This section is the heart of the EIS and presents a comparative analysis of the proposed action. This includes reasonable alternatives not within the jurisdiction of the lead agency, and a no action alternative that identifies the preferred alternative. In addition to this, alternatives should include the environmental consequences of the proposed action, and a clear basis of the choice among the alternatives. Graphic or tabular presentation of comparative analysis is encouraged. A brief discussion of alternatives that were not considered will be presented and the rationale for not including them will be presented. The EIS also should identify the environmentally preferable alternative or alternatives. It must be based on the information and analysis presented in the sections on the Affected Environment and Environmental Consequences.

f. Affected Environment

This section describes the environment(s) of the area(s) to be affected or created by the alternatives under consideration. It presents the baseline conditions for relevant issues (i.e. human and natural) against which the effects of the proposed action and its alternatives are compared. The descriptions will be no longer than is necessary to understand the effects of the alternatives. The detail provided in descriptions of the affected environment will be commensurate with the amount of information required at the particular level of decision-making and to determine secondary impacts resulting from the proposed action. This section also describes other related activities (past, present, or foreseeable future actions) their interrelationships and cumulative impacts. Also any consultations, permits or authorizations required by Federal law or regulation should be identified.

g. Environmental Consequences

This section provides the scientific information analysis and comparisons among the direct and indirect effects of the

alternatives and the proposed action on the affected environment. The discussion includes the impacts of the alternatives, including the no action and the proposed action, any adverse environmental effects that cannot be avoided should the proposal be implemented, the relationship between short term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. This section also includes discussions of possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian Tribe) land use plans, policies and controls for the area concerned, and energy requirements and conservation potential of various alternatives.

(1) Further, the EIS reflects mitigation measures that will be included as part of the proposed action. Mitigation and other conditions established in the EIS or during its review and committed as part of the decision will be implemented by the lead agency or other appropriate consenting agency. The FAA takes steps as appropriate to the action, through special conditions, funding agreements, contract specifications, preferential arrival and departure procedures, directives, other project review or implementation procedures, and other appropriate follow up actions that the agency carries out to minimize adverse environmental effects set forth in the approved EIS statement.

(2) The EIS describes measures under consideration or planned to minimize harm from the proposed action. Measures that will increase the benefits of the proposed action should also be discussed. The following types of measures will be considered: design or construction actions to avoid or reduce impacts, management actions that reduce impacts during operation of a facility, and replacement, restoration, and compensation measures.

h. List of Preparers

This list will normally be a less than two page summary of the names, qualifications (e.g. expertise, experience, professional disciplines) of the persons that primarily were responsible for preparing the EIS or significant background papers.

i. List of Agencies, Organizations, and Persons to Whom Copies of the EIS are Sent

The list will be included for reference to demonstrate that the public review process is being complied with for the circulation of the EIS.

j. Index

The index will reflect the key terms used throughout the EIS to provide the public and other readers easy reference. The index is to include page numbers for each reference.

k. Appendices

The appendices (if any) consist of material that substantiates any analysis fundamental to the EIS but would substantially contribute to the length of the EIS or detract from the documents readability, if included in the body of the EIS.

l. DEIS Comments Received

Comments on the DEIS are assessed and responded to in the FEIS in any or all of the following ways:

- (1) Written into the text of the FEIS.
- (2) Stated in an errata sheet attached to the FEIS.
- (3) Addressed in an attachment to the FEIS.

In all cases, all substantive comments, or summaries thereof in the case of voluminous comments, are attached to the FEIS, whether or not they are specifically addressed in the FEIS.

1064. IMPACT CATEGORIES.

Impact areas with potential or confirmed significant impacts are listed in appendix 2, Order 1050.1, and should be used for guidance on the appropriate types and level of discussions for each area. The discussion in an EIS focuses on the level of analysis needed for impact categories for which the proposed action will have a significant effect. The level of analysis for categories not significantly impacted should be similar to the level of analysis in an EA. These areas will be discussed as much as necessary to support the comparisons of alternatives and agency decision-making.

Impacts are analyzed for each alternative, including the proposed action, which is treated in detail in the EIS. The EIS includes, under appropriate impact categories, all applicable permit or license requirements and indicates any known problems with obtaining them. The EIS will also report on the status of any special consultation required (such as consultation under the Endangered Species, the National Historic Preservation Act, or the Fish and Wildlife Coordination Act). Many of the impact categories are interrelated, and, therefore, AVN should review first the impact category of concern, and then the remaining related categories for guidance.

1065. AMENDMENT OR SUPPLEMENTAL EIS.

The FAA prepares supplements to either DEIS or EIS if the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

The FAA prepares, circulates, and files a supplement to a statement in the same fashion (exclusive of scoping) as a DEIS and EIS, unless

alternatives are approved by the Council on Environmental Quality (CEQ). If, however, there are compelling reasons to shorten time periods, the FAA may consult with the CEQ.

The preparation of a new EIS is not necessary when it can be documented that the proposed action conforms to plans or projects for which a prior EIS has been filed, the data and analysis contained in the previous EIS are still substantially valid, and that all pertinent conditions and requirements of the prior approval have been or will be met in the current action. This evaluation, signed by the FAA RO, will either conclude that the contents of the previously prepared environmental documents remain valid or that significant changes require preparation of a supplement or new environmental document. If a supplement changes a ROD, a new ROD is issued after the supplement has been approved for 30 days.

1066. RECORD OF DECISION

The FAA's decision, which is based on the EIS and all comments received, is documented in the Record of Decision (ROD). AVND is distributed to those persons responding to the EIS and those requesting it. AVND states the FAA's official decision on the proposed action and identifies applicable mitigation and monitoring actions required. FAA actions concerning the proposal will not be taken until the Responsible Official issues AVND.

(1) Following the review periods previously described (i.e. 90 days after DEIS NOA issuance and 30 days after EIS issuance), the FAA decision-maker may make a decision on the proposed Federal action. The FAA requires that a ROD include a statement in the decision to identify all alternatives considered in making its decision, identify the environmentally preferable alternative or alternatives, and state whether all practicable means to avoid or minimize environmental harm from the selected alternative have been adopted (and if not, why they were not).

(2) Any mitigation measures that were made a condition of the approval of the EIS will be included in AVND. Proposed changes in or deletions of mitigation measures that were a condition of approval must be reviewed by the same FAA offices that reviewed the FEIS and must be approved by the EIS approving official.

(3) If AVN wishes to take an action that was included within the range of alternatives of an approved EIS but was neither the environmentally preferable alternative or alternatives nor the agency's preferred alternative as identified in the EIS, the decision-maker must first coordinate a draft ROD for concurrence with the same FAA offices that reviewed the EIS. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in AVND, may request that a supplement to the EIS be prepared and circulated, or may non-concur. AVN does not approve the proposed action in the face of a non-concurrence.

(4) If the alternative AVN wishes to take action on involves a special interest (e.g. Section 4(f) land, endangered species, wetlands, historic sites, or others), the FAA must first complete any required evaluation and consultation that has not been done, including supplementing the original EIS, prior to implementing the proposed action. Supplements to the EIS will be reviewed and approved in the same manner as the original document, and a new ROD will be prepared and approved. If AVND is prepared, a copy is to be forwarded to AEE-1 for retention in the files.

1067. REFERRALS TO THE COUNCIL OF ENVIRONMENTAL QUALITY (CEQ)

The CEQ may serve as a mediator in interagency disagreements over proposed Federal actions that might cause unsatisfactory environmental effects. If a commenting agency determines that an action is environmentally unsatisfactory, the matter may be referred to the CEQ. When AVN receives a notice of intended referral from the commenting agency, AVN provides the Assistant Secretary for Policy and International Affairs (P-1), and AEE-1 with a copy of the notice. In the event of a referral to the CEQ by a commenting agency, AVN forwards a proposed response to AEE-1 within 10 days of referral. The response must fully address the issues raised in the referral and be supported by evidence. AEE-1 obtains P-1 concurrence in the proposed response. The response will be sent to the CEQ within 20 days of the referral.

1068. PROGRAMMATIC EISs AND TIERING

Program offices, to the extent practicable, build upon broad assessments; for example, long term development statements, or regional statements may be incorporated by EISs for specific projects. The purpose of TIERING is to eliminate repetition and allow discussion of issues at appropriate levels of detail. Tiering also allows agencies to focus on issues that are ripe for a decision.

1069. INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The FAA provides opportunities for review and comment by elected officials of State and local governments that will be affected by planned Federal assistance and direct Federal development actions. Also, the FAA should provide copies of EISs to elected State and local officials. The FAA complies with DOT procedures implementing the Executive order contained in CFR Part 17. Executive order 12372 and DOT regulations are intended to replace the intergovernmental consultation system developed under the Office Management and Budget (OMB) Circular A-95. Under Executive order 12372, State and local elected officials will determine what Federal programs and activities to review and the procedures by which the review will take place.

1070. REVIEW OF ENVIRONMENTAL STATEMENTS PREPARED BY OTHER AGENCIES

Other Federal, State, or local agencies may consult the FAA for assistance in analyzing environmental impacts which fall within the agency's area of responsibility. The FAA will provide competent and cooperative advisory and consultative service on proposals affecting aviation and other FAA responsibilities.

(1) Comments will be organized in a manner consistent with the structure of the draft statement and must identify alternatives or modifications that may enhance environmental quality or avoid or minimize adverse environmental impacts, and will correct inaccuracies or omissions.

(2) The FAA projects that are environmentally or functionally related to the proposed action in the EIS should be identified so that interrelationships can be discussed in the EIS. In such cases, the FAA should consider serving as a joint lead agency or cooperating agency.

(3) Environmental monitoring for which the FAA has special expertise may be suggested and encouraged during construction and startup or operation phases.

(4) Other agencies will generally be requested to forward their DEIS directly to the appropriate FAA regional offices. The following types of matters, however, should be referred to the Washington headquarters for comment. Actions with national policy implications; projects that involve natural, ecological, scenic, historic, or park or recreation resources of national significance or legislation; or regulations having national impacts on national program proposals.

(5) DEISs in these categories are to be referred to P-1 for preparation of DOT comments and, where appropriate, to Washington headquarters. In referring these matters to Washington headquarters, AVN is encouraged to prepare a proposed Departmental response.

(6) Regional offices review DEISs that do not have national implications. Comments will be forwarded directly to the office that the originating agency designates for receipt of comments. If the FAA receiving office believes that another DOT office also has an interest or is in a better position to respond, it transmits the statement to the other office. If the FAA and other DOT administrations comment at the regional level, the Deputy Regional Administrator will coordinate the comments.

(7) When appropriate, the FAA coordinates a response with Department offices having special expertise in the subject matter.

(8) Comments will be submitted within time limits set forth in the request, unless the office responsible seeks and receives a time extension. Comments must be concise, and specify any changes desired either in the action proposed or in the environmental statement or both.

(9) Copies of comments on another agency's EIS will be provided to the requesting agency, to AEE-1, to P-1, and to the Deputy Regional Administrator if a divisional office prepared the comment.

1071. LEGISLATIVE PROPOSALS

Before the FAA submits a legislative proposal to the Congress, the office which originates the proposal prepares, circulates and files an EIS with EPA. The Office of the Secretary reviews legislative environmental statements and submits them to the Office of Management and Budget (OMB) for circulation in the normal clearance process.

1072. ENVIRONMENTAL EFFECTS OF MAJOR FAA ACTIONS ABROAD

In compliance with Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, requests for FAA action by a foreign government, manufacturer, or operator may fall within the criteria requiring an EA, FONSI, or EIS. AVN coordinates such requests with the State department through the Office of Economics, P-30. After the State Department's notification, all FAA request to such foreign applicants for information which the FAA needs to prepare an EIS or FONSI should then be forwarded through the civil aviation authority of the applicant's government. Copies of the DEIS, EIS, and notices of any public hearings planned on the proposed action should be furnished to the applicant, the appropriate foreign civil aviation authority, and the Washington embassy of the country where the applicant is located.

Any substantial differences arising in the course of the EIS between the originating FAA organization and a foreign applicant should be referred to AEE, which will consult with the Associate Administrator for Policy and Aviation Affairs to resolve any problems or issues.

1073. TIME LIMITS FOR ENVIRONMENTAL DOCUMENTS

The following time limits have been established for all DOT EISs.

(1) A DEIS may be assumed valid for a period of 3 years. If the proposed final EIS is not submitted to the approving official within 3 years from the date of the DEIS circulation, a written reevaluation of the draft will be prepared by AVN to determine whether consideration of alternatives, impacts, existing environment, and mitigation measures set forth in the DEIS remain applicable, accurate, and valid. If there have been changes in these factors that would be significant in the consideration of the proposal, a supplement to the DEIS or a new DEIS will be prepared and circulated.

(2) For approved EISs, three set of conditions have been established:

(a) If major steps toward implementation of the proposed action (such as the start of construction, substantial acquisition, or relocation activities) have not commenced within 3 years from the date of approval of the EIS, a written reevaluation adequacy, accuracy, and validity of the EIS will be prepared by AVN (unless EIS tiering is being used). If there have been significant changes in the proposed action, the affected environment, anticipated

impacts or proposed mitigation measures, a new or supplemental EIS will be prepared and circulated.

(b) If the proposed action is to be implemented in stages or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy, and validity of the final EIS will be made at each major approval point that occurs more than 3 years after approval of the EIS and a new or supplemental EIS prepared if necessary.

(c) If the proposed action has been restrained or enjoined by court order or legislative process after approval of the final EIS, the 3-year period may be extended by the time equal to the duration of the injunction, restraining order, or legislative delay.

1074-1079 RESERVED

**Section 7. GUIDANCE FOR PROCESSING ENVIRONMENTAL REQUIREMENTS FOR
ESTABLISHING OR MODIFYING AN INSTRUMENT APPROACH PROCEDURE.**

**1080. TYPICAL STEPS IN A ENVIRONMENTAL PROCESS FOR AN INSTRUMENT
APPROACH PROCEDURE (IAP):**

Mail environmental guidance to the proponent. The proponent may be an airport manager, or governmental entity (city manager, airport director, etc.). See figure 10-1 for an example of a typical guidance letter.

Attached to the guidance letter is an environmental checklist for the proponent to fill out and sign. This checklist and a letter concerning noise issues, completed and mailed back to the FPO by the proponent, form the basis for the FPO's determination whether or not a categorical exclusion (CE) is appropriate. See figure 10-2 for a copy of the checklist.

If the response from the proponent, per the noise letter and environmental checklist indicate that a CE is appropriate, prepare a memo for the file to document the categorical exclusion for the record. See figure 10-3 for a typical example of such a memo.

(1) Establishment or modification to an instrument procedure is a federal action, which qualifies for a categorical exclusion.
Reference: FAA Order 1050.1, appendix 4, para 4k.

(2) If extraordinary circumstances exist which would negate the determination for a CE, an environmental assessment (EA) is required. A list of these extraordinary circumstance may be found Order 1050.1, paragraph 32. This list is further defined in the environmental checklist sent to the proponent. See figure 10-2 of this handbook.

If a determination that a CE is appropriate, forward the categorical exclusion memo (figure 10-3), along with the supporting documentation to the Manager of the Flight Procedures Development Branch to which the FPO is assigned. This can be forwarded at the same time that the request to the branch for development of the procedure is sent.

If it is determined that a CE is not appropriate, the project may not be begun. An environmental assessment (EA) must be prepared. It is the FAA's responsibility to approve the EA, with a result of either a FONSI or an EIS. At this time, there are no qualified environmental specialists assigned to AVN-100, nor does AVN have the resource to prepare an EA.

The FPO should not request the Flight Procedures Development Branch to begin procedure development until the environmental aspects of the procedure have been determined and documented.

1082-1099 RESERVED

Figure 10-1 ENVIRONMENTAL IMPACT STUDY/ASSESSMENT

New instrument approach procedures, departure procedures, enroute procedures, and, modifications to currently approved instrument flight procedures which are conducted below 3,000 feet above the surface and which may impact the environment or may tend to increase noise over noise sensitive areas are subject to environmental procedures, analysis and FAA environmental approval. This requires consideration of those operations that will routinely be routed over noise sensitive areas, and includes, but not limited to, residential neighborhoods, education, health, and religious sites; and cultural, historical, and recreation areas.

The new procedure(s) that you are requesting may require an environmental assessment (EA). In order for this office to make that determination, you must submit in writing your expectations of any environmental impact in the area of the proposed instrument approach. Since impacts are dependent upon the flight track, completion of any EA may be required following FAA design of the procedure. FAA will determine, based on your environmental input, whether preparation of an EA is required. FAA environmental approval is required before the proposed flight procedure can be authorized or submitted for publication.

In some circumstances, the FAA can determine that a *categorical exclusion* (CE) for the EA is appropriate and would negate the requirement for the EA. To that end, please complete the attached checklist. All items on the checklist must be addressed. Any Yes items on the checklist must be justified or a complete EA may be required.

We are in the process of developing a GPS instrument approach procedure to Anywhere Muni, Anywhere, California. The instrument approach will be aligned as nearly as possible with the runway centerline, but may be angled slightly to avoid terrain or obstructions in order to achieve the lowest approach minimums. If you believe that this flight track may cause environmental concerns, please advise us of a more favorable flight track.

In addition to the checklist, please include a short letter to us describing your evaluation of any *noise* impacts relative to the proposed instrument approach procedure concerning the following subjects:

- Are there noise sensitive areas underlying the proposed flight track? Or if unpopulated or sparsely populated, so state.
- Whether the proposed procedure is intended to increase the number of aircraft, or change the type of aircraft using the airport.
- Has there been any publicizing through media or town or airport meetings concerning the proposed approach procedure, and has there been any public comment?

- Is any public controversy expected concerning the proposed procedure?

If you have any questions concerning this matter, don't hesitate to call our office at
(XXX) XXX-XXXX.

Figure 10-1

Figure 10-2 CHECKLIST OF EXTRAORDINARY CIRCUMSTANCES

IN SUPPORT OF A

CATEGORICAL EXCLUSION (CE) DETERMINATION

Airport _____

Project/Action _____

Preparer _____

Signature _____

date _____

Circumstance	<u>Impact Potential</u>		Comments/ Follow-Up See attached comments if needed
	No	Yes	
Effect on Section 106 Historic Properties If no properties in, or eligible for inclusion in, the National Register of historic places have been identified within the area of proposed action, it may be considered that there is no Impact Potential.			
Effect on DOT Act, Section (4)(f) Lands If no land is being taken, or used by the proposed action, it may be considered that there is no Impact Potential.			
Controversy on Environmental Grounds If no controversy is known or expected based on the proposed action, it may be considered that there is no Impact Potential.			
Effect on Natural Systems If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential.			
Effect on Endangered Species If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential.			
Effect on Wetlands If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential.			
Effect on Floodplains If the overflight of aircraft as			

<p>a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential.</p>			
<p>Effect on Coastal Zones If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential.</p>			
<p>Effect on Prime/Unique Farmland If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential.</p>			

Figure 10-2 (1 of 3)

Circumstance	<u>Impact Potential</u>		Comments/follow-Up See attached if needed
	No	Yes	
Effect on Energy/Resources If the proposed action would have no significant impact on this circumstance, it may be considered that there is no Impact Potential.			
Controversy Regarding Relocation Housing If no relocation housing would be required as a result of the proposed action, it may be considered that there is no Impact Potential.			
Community Disruption If the proposed action would cause no significant disruption, it may be considered that there is no Impact Potential.			
Traffic Congestion If the proposed action would cause no significant increase, or create ground traffic congestion, it may be considered that there is no Impact Potential.			
Effect on Noise Levels in Noise Sensitive Areas Refer to your letter to us in response to the fifth paragraph of our Environmental Impact Study/Assessment letter to you.			
Effect on Air Quality If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential			
Effect on Water Quality If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential			
Contains/Affects Hazardous Materials If the proposed action would have no significant impact on this circumstance, it may be considered that there is no Impact Potential.			
Land Use Conflicts If the proposed action would not result in conflicting land use (with the exception of airport property), it may be considered that there is no Impact Potential.			
Induced Impacts If the proposed action would not induce			

any significant impacts, it may be considered that there is no Impact Potential.			
<p>Wild and Scenic Rivers</p> <p>If the overflight of aircraft as a result of the proposed action would have no effect on this circumstance, it may be considered that there is no Impact Potential.</p>			
<p>Cumulative Impacts</p> <p>If the proposed action would not result in a significant cumulative impact, it may be considered that there is no Impact Potential.</p>			

Figure 10-2 (2 of 3)

Circumstance	Impact Potential		Comments/ Follow-Up See attached comments if needed
	No	Yes	
<p>Inconsistent With Other Environmental Laws</p> <p>If the proposed action is not inconsistent with other environmental laws, it may be considered that there is no Impact Potential.</p>			
<p>Environmental Justice</p> <p>If the proposed action has not been designed to overfly or avoid specific areas based on underlying area economic considerations.</p>			
<p>Helicopter tracks over major thoroughfares</p> <p>This is a VFR consideration. Helicopters flying Instrument Approaches will not be following major thoroughfares. This proposed action may be considered to have no Impact Potential.</p>			

Memorandum

Figure 10-3

U.S. Department
of Transportation

Federal Aviation
Administration

Subject: INFORMATION: Documentation of a Categorical Exclusion Date:
under Order 1050.1
Reply to Rosenberg
From: Manager, Western Flight Procedures Development Branch, AVN-120 Attn. of:
310-725-7122

To: File

- A. Proposed Action: Establish a Standard Instrument Approach Procedure:
 SIAP title:
 Airport Name:
 City, State:

B. This action qualifies for consideration as a categorically excluded action as it falls under the following specific categorical exclusion provision(s):

New procedures that routinely route aircraft over non-noise sensitive areas.

Establishment or modification of instrument approach procedures, departure procedures, or enroute procedures which have been found to meet the requirements of FAA Notice 7210.360, when applicable, and where no public controversy is anticipated.

C. Other supporting information: The subject proposal has no significant impacts on the environment per the attached response from the proponent. The flight track mirrors existing flight tracks. No new flight tracks are being introduced. No increases in traffic, or change in type of aircraft using the airport are expected as a result of this proposed action.

D. The above referenced action has been reviewed by the FAA, and it has been determined by the undersigned to be categorically excluded from further environmental documentation according to Order 1050.1 and those items specifically provided above, since none of the extraordinary circumstances listed in Order 1050.1 apply to its implementation.

Prepared by: Barry D. Rosenberg

Date:

Program Manager, LAX FPO

Responsible Federal Official:

Caren S. Trandell

Title: Manager, Western Flight Procedures

Development Branch, AVN-120

signature

date

